

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS P. KOESTLER, : 16cv7175 (DLC)
Petitioner, : 20cv706 (DLC)
: ORDER
-v- :
MARTIN SHKRELI, :
: Respondent. :
: ----- X
: ----- X
FEDERAL TRADE COMMISSION, et al., :
: Plaintiffs, :
: ----- X
-v- :
VYERA PHARMACEUTICALS, LLC, et al., :
: Defendants. :
: ----- X

DENISE COTE, District Judge:

On February 4, 2022, an Order for Permanent Injunction and Equitable Monetary Relief (the "Order") was entered in Federal Trade Commission v. Vyera Pharmaceuticals, LLC, No. 20cv706 (DLC), 2022 WL 1081563 (S.D.N.Y. Feb. 4, 2022). The Order bans and enjoins Shkreli for life "from directly or indirectly participating in any manner in the pharmaceutical industry." The Order bars Shkreli from, inter alia,

[a]cquiring or holding an Ownership Interest in a Pharmaceutical Company . . . ,

Provided, however, that Defendant Shkreli may retain an Ownership Interest in securities that are under the control of the receiver appointed in Koestler v. Shkreli, 1:16cv7175 (S.D.N.Y.) until the earlier of (a) the sale of the securities by the receiver or (b) 180 days after the receiver returns the securities to Defendant Shkreli so long as Defendant Shkreli does not exercise any rights as owner of the securities, including voting rights, while the securities are under the control of the receiver or under the control of Defendant Shkreli; . . .

[t]aking any action to directly or indirectly influence or control the management or business of any Pharmaceutical Company . . . ; [or]

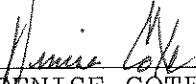
[o]btaining, holding, or exercising any voting or other shareholder rights in a Pharmaceutical Company, including rights assigned to Defendant Shkreli by an Entity or individual, including rights assigned in connection with Shkreli's transfer of Ownership Interest in a Pharmaceutical Company to the Entity or individual.

On June 14, 2023, Shkreli submitted a letter seeking permission to appear in certain ongoing bankruptcy proceedings in the District of Delaware (the "Bankruptcy Proceedings"). In the letter, Shkreli represents that he shared his intention to file the letter application with the parties in the above-captioned cases. He also represents that the Receiver in Koestler v. Shkreli, No. 16cv7175 (DLC), does not object to Shkreli's requested relief, and that the Judgment Creditor in that action has indicated that the issue was not properly directed to the Judgment Creditor. Shkreli represents that the FTC shared its concerns that the requested relief could violate

the Order, but that the FTC and the States' Attorneys General do not object to Shkreli's appearance in the Bankruptcy Proceedings "so long as his participation comports with the terms of the Order." Finally, Shkreli represents that it is his intention "to strictly comply with the Order." Accordingly, it is hereby

ORDERED that Shkreli's request for permission to appear in the Bankruptcy Proceedings is granted on the representations made in Shkreli's application that his filing a claim or otherwise appearing in those proceedings will not violate the Order.

Dated: New York, New York
June 16, 2023


DENISE COTE
United States District Judge